FOR MYSORE STATE

(195 0.) Department

SERIES

G.O. NO. 94

Dated 0 — 2 — 50

[Despatch Abstract.]

Harijan welfare — House sites — Regularisation of Kan
Rules and Instructions — Revision of

For Mysore State (Copy)

Abstract.

N WELFARE - House-sites - Acquisition of lands - Rules and Instructions .sion of.

Firka Development Department

.No.94. Dated the 6th February 1950.

Read the following:

1. From the Commissioner of Labour, No.A2-4263-47 dated 20-3-47.

2. From the Board of Revenue Resolution Mis.872, dated 25-6-48.

ORDER:

In its letter cited, the Board of Revenue has made certain sug_estions on the following points:-

(1) the cost of acquisition of lands for provision of house-sites to the eligible communities and landless labourers;

(2) whether the scheme of acquisition of lands for provision of house-sites to eligible communities and landless labourers may be extended not only to cases of genuine congestion but also to other cases, such as threats of eviction or wholesale shifting of the cheri on account of unhealthy surroundings etc., and

(3) whether the scheme of acquisition of lands for provision of house-sites to eligible communities and landless labourers may be extended to Panchayat and Municipal areas.

2. On suggestions (1)and (3) above no orders are called for in view of G.O.Ms.No.1025 F.D., dated 12-11-1949 and G.O.Ms.No.947 F.D., dated 11-10-1949. With regard to suggestion (2) the Board of Revenue is informed that no deviation from the existing procedure is necessary.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

Secretary to Government.

To the Board of Revenue, Madras.
" the Director of Harijan Welfare, Madras.

/True copy/

hch.25/5.

SUPERINTENDENT.

Copy of Letter No.A2.4263 dated 20-3-1947 from the Commissioner of Labour, Madras to the Secretary to Government, Development Department, Madras.

11.

Sub:- Land Acquisition - House sites - Conditions - Alterations.
Ref:- 1. Govt.Endt.No.43357-PI-11/46-1 dated 4-7-1946. free grant of house sites.
2. My letter No.A.2.4263/46, dated 6-1-1947 (para 3).

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According to para 2 of G.O.No.859, Development Department, dated 27-5-36 and G.O.No.1926-L.P.W. dated 9-8-1941 the Government bear half the cost of acquisition as a concession to eligible communities subject to a maximum of Rs.150/- per acre for dry land Rs.350/- per acre for wet land Rs.250/- per acre of garden land. These rates were fixed on the baisi of the prices of the lands prevailing in those years. The prices of lands have since gone up. The Collectors, therefore, suggest the following maximum limits.

	Name of the district	Dry land per acre. Rs.	Wet land per acre. Rs.	Graden land per acre. Rs.
1.	Tanjore	450/-	600/-	—
2.	Kistna	300/-	700/-	—
3.	Guntur	300/-	700/-	500/-
4.	Nellore	No charge in the case of acquisition of land in rural areas. 3/5 of the cost of acquisition in urban area.		
5.	West Godavari.	Increase by 50%.		
6.	Bellary.	300/-	1000/-	400/-
7.	Trichy.	300/-	700/-	—
8.	S.Arcot	350/-	750/-	—
9.	N.Arcot	300/-	700/-	—
10.	E.Godavari.	400/-	900/-	—
11.	Malabar	225/-	500/-	—
12.	Chingleput	free grant of house sites.		

The Collector of Anantapur suggests that no maximum limit need be prescribed and that the Government may bear half the cost of the portion occupied for house sites, whatever, the cost of the land may be.

I agree with the Collector of Ananatapur and recommend that in future Government may bear half the cost of the land occupied by house sites without any maximum limits as prescribed in the G.Os. referred to above.

for Commissioner of Labour.

Copy of Resolution Mis.872 dated 25-6-1948 from the Board of Revenue to the Secretary to Government Development Department, M a d r a s.

Sub:- Labour Department - House-sites - Acquisition of Lands - Rules and Instructions - Revision - Board's remarks - submitted.

Read:- Memorandum from Govt.No.29939 PII/47-3 dated 7-7-4
Board's Ref:B.5214/47-1 dated 12-9-47.
Reports from Select Collectors.

RESOLUTION:

While forwarding a copy of the letter No.A2-4263 dated 30-3-47 from the Commissioner of Labour with their memo cited above, the Government have called for the Board's remarks on the following suggestions:-

I) Cost of acquisition of lands for provision of house sites to the eleigible communities and agricultural labourers.

(a) Whether the entire cost of lands acquired for provision of house-sites may be met by the Government for,

(b) Whether half the cost of the lands set apart for house-sites may be borne by the Government without any upper limits, the other half cost being recovered from the applicants for house sites except in deserving cases in which it may be waived, or,

(c) Whether half the cost of the lnands set apart for house sites may be borne by the Government with upper limits fixed, the existing limits being now altered in conformity with the prevailing prices for lands.

II. Whether the scheme of acquisition of lands for provision of house sites to eligible communities and landless labourers may be extended not only to cases of genuine congestion, but also to other cases, e.g. Cases where their is danger of eviction and where the cheri has to be shifted wholesale to a more sanitary and healthy place, etc. the Collectors being empowered in the matter.

III(a) Whether the scheme of acquisition of lands for provision of house-sites to eligible communities and landless labourers may be extended to the Panchayat and Municipal areas,

and (b) if so, whether the local bodies may be asked to bear the Government's share of the cost of acquisition grants or loans being given in special cases.

IV. In what may other respects the scheme of the grant of house sites to the eligble communities and landless labourers may be widened:

2. The Board has consulted select Collectors in the matter, a precis of whose reports is submitted herewith, and offer its remarks as follows on the suggestions mentioned in para 1 above:-

I. Cost of acquistion of lands for provision of house-sites to the eligible communities and land-less labourers.

The Board invites the attention of the Government to para 6 of its proceedings Mis.43423 dated 30-3-1948 in which it has already reported that it is not in favour of the proposal that the Government should provide living space to the Harijans and agricultural labourers at Government cost. The question now for consideration is whether the Government should meet half the cost without any upper limits or with upper limits and if the latter, what alteration should be made in the existing scales, in view of the high prevailing prices. The majority of the Collectors consulted viz. the Collectors of South Arcot, Tanjore, East Godavari, Tinnevelly, West Godavari, Malabar and Bellary are in favour of removing the upper limits. The Collectors of Trichy, North Arcot and Chingleput are in favour of continuing them. The general reason adduced by the Collectors in favour of removing the upper limits is that these limits fixed a decade ago are found quite unsuitable and out of time for the present level of prices of lands and act as a definite brake in going ahead with suitable schemes. The reason for the opposite view is that the doing away with the maximum limit would involve indefinite extra liability to Government. But the difficulty is that no general formula can be laid down as to the extent up to which the existing upper limits for different classes of lands can be increased as land prices vary much from one place to another. The varying nature of these prices can be seen from the proposals made by certain Collectors to the Commissioner of Labour and referred to in his letter mentioned in para 1 above. The Collector of Trichy suggests that the maximum limits may be raised by 50% for the present, leaving it to the Collectors to apply to the Government, in cases where the proposed revised limits are to be exceeded. Even this proposal for a general increase does not seem acceptable as in the first place, it is low and secondly it will not hold good for all districts. On the other hand the proposal to remove the upper limits, which is suggested by the Commissioner of Labour seems acceptable for the following reasons:-

(a) The Government can meet any extra liability from the provision of one crore of rupees set apart for the Harijan uplift. Obviously the Government's policy has to be liberalised in view of this provision.

(b) As Government have prohibited the acquisition of wet lands for house building purposes, there may not be many cases of acquisition involving heavy cost. The Board therefore recommends that in future the Government may bear half the cost of the land occupied by house-sites without any upper limits as prescribed now.

I. Whether the scheme of acquisition of lands for provision of house-sites to eligible communities and landless labourers may be extended not only to cases of genuine congestion but also to other cases e.g. cases where there is danger of eviction and where the cheri has to be shifted wholesale to a more sanitary and healthy place, the Collectors being empwered in the matter.

The Collectors consulted except the Collector of Trichinoploy are generally agreed that they should be empowered to start acquisition proceedings not only in genuine cases of congestion but also in cases where there is danger of eviction and where insanitary cheries have to be shifted to more sanitary places etc., as this will help quick disposal of applications. The Collector of Trichinopoly points out that it is even now open to the Collectorto start acquisition proceedings in the cases referred to above, but that he has to send a special report to the Government to obtain their sanction. Papers pass through the Board to the Government. He therefore considers that it does not materially affect whether the discretion is vested with the Boardor the Collecotor. The Collector of Kistna states that improving the sanitary conditions of the cheries and providing essential amenities in them may be more costly than making a wholesale shift of the cheries. The expenditure involved in such cases may be very great. Hence such cases will have to be reported to the Government for orders as usual. The Collector of Nellore states that Collectors can be entrusted with all powers but subject to certain limits. He suggests that cases which are of a very heavy complicated nature and which involve heavy expenditure of Rs.20,000/- (Twenty thousands) and more may be submitted to the Government for orders.

In connection with the grant of occupancy rights to the Harijans, the Board has already recommended to the Government in para 7(iii) of its proceedings, Mis.423 dated 30-3-1948 that the benefit of the scheme may be extended to all cases where the Harijan occupants of ~~and that~~ houses on private lands are in danger of eviction also and that this may be done where more than 10 families are concerned. It is now for consideration whether it may be extended to cases where insanitary cheries have to be shifted to more sanitary places also. As pointed out by the Collector of Kistna, such shifting is a costly affair and may involve a large sum of money towards cost of acquisition etc. The Board agrees to the extension of the scheme to cases of this kind also but subject to the proviso that cases involving an expenditure of Rs.20,000/- and above should be reported to the Government for orders.

III. Whether the Scheme of acquisition of lands for provision of house sites to eligible communities and landless labourers may be extended to the panchayat and municipal areas. If so, whether the local bodies may be asked to bear the Government's share of the cost of acquisition, grants or loans being given in special cases.

Of the Collectors consulted, the Collector of South Arcot is not in favour of extending the scheme to all urban areas (Municipal and Panchayat). He suggests that a clear 3 years' working may be allowed before the position is reviewed to extend the scheme to these areas. He adds that before the scheme is extended, the municipalities and the panchayat Boards should be definitely asked to contribute the Government's share of the cost. The Collector of Kistna is in favour of extending the scheme to the Panchayat areas only. He considers it undesirable to extend the scope of the scheme to municipal towns at present when most of the cheries in rural areas require relief of congestion. All the other Collectors are, however, in favour of extending the scheme to both the municipal and panchayat areas. Most of them (Collecotors of Anantapur, Guntur, East Godavari, West Godavari, Malabar, Bellary, Tinnevelly and Tanjore) point out that the work should be taken up by the Government themselves and not entrusted to the local bodies as those bodies have nei-ther the experience nor the finance to do the work successfully. The Collector of East Godavari states that the system of granting loans will retard the work. A few collectors recommend that, if these bodies were entrusted with the work at all, they may be given grants or loands for the purpose.

It is true that properly speaking the work of relieving congestion in urban areas falls on the local bodies concerned. The Board however, observes that most of the municipal and Panchayat towns arebnly over-grown villages and have only slender financial resources and not in a position to undertake this work. The board therefore considers that there is no point in drawing an invidious distinction between villages and towns in this respect and that the Government should step in to fulfil a task left undone by those clocal bodies and that there is no point in waiting for some years to do this. The Board accordingly submits that the benefit of the scheme may be extended to the urban areas (municipal and panchayat) and that the following suggestions in this regard may be approved:-

(a) In minor panchayats, provision of house sites may be undertaken by the Government, themselves the half share of the cost of acquisition being borne by them entirely.

(b) In majore panchyat areas as well as in class III Municipalities, the Government may undertake the provision of house sites and the local boides may be asked to contribute a share towards half the cost of acquisition to be borne by the Government, consistent with their finaicial resouces.

(c) In I and II Class municipalities, the municipalities may be asked to undertake the provision of house sites bearing half the share of the cost themselves, it being left open to them in any special case to apply to the Government for a grant or loan according to necessity

IV. In what other respects the scheme of grants of house sites to the eligble communities and landless labourers may be widened.

The Collectors of West Godavari and Salem have made certain suggestions. The Collector of West Godavari suggests that the application of the urgency clause of the Land Acquisition Act in all cases of acquisition for Harijan Uplift is essential in order to discourage all malfide practices by way of enhancing the value of the land for compensation purposes. The Board submits that compensation is fixed with reference to the prices of lands prevailing on the date of publication of the notification under Section 4(1) of the Land Acquisition Act, and that the application of the urgency clause has nothing to do with the fixation of the market value, as mistakenly surmised by the Collector. Further, no separate ruling is necessary in the matter as it is always open to apply the urgency clauses in emergent cases.

The Collector of Salem suggests that the period of re-payment of the loans may be raised from 5 years to 10 years in view of the poor circumstances of the applicant for house sites. The Board therefore considers that this not necessary as it is always open to the Collector to obtain the orders of the Government for putting up the period beyond 5 years in deserving cases. Further, the Collectors and Commissio. er of Labour can postpone collection of instalments in deserving cases.

Sd. x x x
for Joint Secretary.

To the Secretary to Government, Development Department, Madras.

(with gist of the select Collector's reports).

Copy to the Commissioner of Labour with a gist of the sele-ct Collector's reports.

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/True copy/

hch.25/5.

SUPERINTENDENT.

Notes from page 1 ante may be read. The file deals with certain suggestions regarding the acquisition and assignment of house-sites to harijans. The suggestions are discussed in the Board's letter at pages 11-15 c.f.

Suggestion I at page 11 c.f. The Government have since ordered in G.O.Ms.No.1025 F.D., dated 12-11-1949 that house-sites should be granted free of cost to all harijans and harijan christians who do not already possess house-sites and are too poor to meet any part of their share of the cost of acquisition. In para 2 (vii) of the same G.O., it is stated that the paying capacity of the head of each individual family should be assessed and the amount recoverable from him and the amount to be borne by the Government should be fixed. In view of this it does not seem necessary to fix up any higher limits in cases where the harijans are not able to meet the entire cost of their share of acquisition.

Suggestion 2 at page 11 c.f. At present the schme approved in G.O.Ms.No.1655 Dev., dated 15-7-1940 is confined to cases of congestion alone; all other cases where the acquition, is warranted as due to insanitary conditions or threats of eviction by the land-owners, come up to the Government for orders. In such cases, the Government have been granting all the concessions contemplated in G.O.Ms.No.1655, Dev., dated 15-7-1940. The Board of Revenue states that the scheme may be applied to all other cases also and the Collectors empowered to deal with all such cases, special reports being submitted to the Government only in cases where the cost exceeds Rs.20,000/-. It is for orders whether the Board's recommendation will be accepted or whether the present procedure viz., that Collectors should deal with cases of congestion and the special sanction of the Government obtained in the other cases will be continued. (It may be mentioned that it has been noted in G.O.Ms.No.1025 F.D., dated 12-11-1949 that the cost to bw borne by the Government should be reported in each case throgh the L.H.W. for orders of the Government).

Suggestion III. It has since been ordered that the scheme should be extended to all rural areas irrespective of the population of the areas and only the municiplaities and the Corporation of Madras should be excluded from the benefit of the Harijan Uplift Fund. No action is therefore called for on this suggestion.

Orders above:

A draft order is submitted for approval.

/True ~~copy~~/- Extracts

M.D. Khanolkar

Superintendent